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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,097	08/01/2003	John Reed	2540-0590	1915
42624 7590 07/13/2007 DAVIDSON BERQUIST JACKSON & GOWDEY LLP 4300 WILSON BLVD., 7TH FLOOR ARLINGTON, VA 22203			EXAMINER ENG, DAVID Y	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 07/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/632,097	Applicant(s) REED ET AL.	
	Examiner DAVID Y. ENG	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/1/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicants are reminded of the continuing responsibility to update the status of related application 10/632.098 throughout the course of examination of the instant application.

Claim 48 fails to include its status.

Formal drawings are requested.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12-16, 19-20, 32-33 and 39-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Scope of limitation of claim 12 is not clear. The managed appliance is recited to return what it received (IP configuration) back to the workstation. No meaningful improvement is seen in the claim. Dependent claims 13-26, 19-20, 32-33 and 39-41 are rejected also because of the defects of their parent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 21, 6, 24, 26, 2, 3, 31, 5, 16, 10, 36, 42, 11, 30, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Vafaei (USP7,035, 257).

Claims 1, 21, 6, 24, 26

See at least the title, the abstract, Figure 1 and the description thereof and the claims in Vafaei) Vafaei teaches:

A system (Figure 1) comprising:

a workstation (client, line 3 abstract) communicatively coupled to a network; and

a managed appliance (network server element) line 2 abstract) communicatively coupled to the network;

wherein the workstation operatively locates (multicast discovery protocol request, line 3 abstract) the managed appliance across the network and operatively sets the IP configuration of the managed appliance across the network.

Claim 2, 3, 31

Vafaei's invention is a system being able to communicate via a network to a device before an IP address is assigned to the device (column 3, line 31-34) and then assign an IP address (configuring) to the device in the communication so that the device has an valid IP address for communicating in the network (column 5 line 7-29).

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Claims 5, 16

See "subnet mask" in column 6 line 10-24, column 4, line 23-36 and claim 8 in Vafaei.

Claims 10, 36, 42

It is well known that a network is capable to connect more than two devices.

Claims 11,

See wireless LAN in column 4 line 14 in Vafaei.

Claims 30, 34

See "discovery protocol request" in the abstract and throughout the specification of Vafaei.

Further with respect to the limitation of IP address in claim 34, see the rejection of claim 2 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 35, 4, 8, 9, 15, 19, 25, 28, 32, 7, 18, 20, 27, 37, 38, 40, 41, 43, 44, 46, 47, 13, 14, 17, 22, 33, 29, 39 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vafaei (USP7,035, 257) further in view of Larson (USP 7,228,345).

Claims 12, 35, 4, 8, 9, 15, 19, 25, 28, 32

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Vafaei teaches claim combination set forth above. The only difference is that Vafaei does not explicitly teach whether data labeled as keyboard data, cursor control data and video data are transmitted in his system. KVM data is well known in the art. Larson teaches transmitting KVM data between devices connected to a network. From the teaching of Vafaei and Larson, it would have been obvious to a person of ordinary skill in the art to configure devices of Larson which capable of generate and transmit KVM data in a manner as taught by Vafaei so that devices are configured with IP addresses. See column 4 line 61 to column 5 line 7 in Larson.

Further with respect to claims 35, 32 see "discovery protocol request" in the abstract and throughout the specification of Vafaei.

Claims 7, 18, 20, 27, 37, 38, 40, 41, 43, 44, 46, 47

The "wherein clause" merely consists of non-functional descriptive material. Further, it would have been obvious to a person of ordinary skill in the art to use any type of communication protocol so long it is able to transmit data between devices connected to a network.

Claims 13, 14, 17, 22, 33

See the rejection of claim 2 above.

Claims 29,

See wireless LAN in column 4 line 14 in Vafaei.

Claims 39, 45

It is well known that a network is capable to connect more than two devices.

Claim Rejections - 35 USC § 103

Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vafaei (USP7,035, 257).

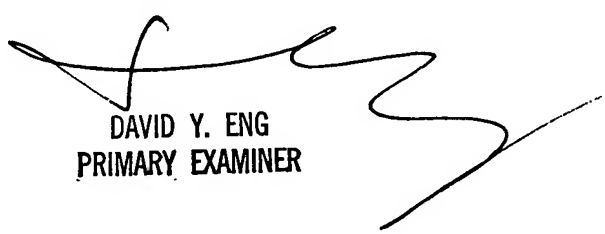
Claim 48

Vafaei teaches claim combination set forth above. It would have been obvious to a person of ordinary skill in the art to test a storing device to ascertain that it is capable of storing before data is stored.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID Y. ENG whose telephone number is 571-272-3984. The examiner can normally be reached on M-F from 8AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SALEH NAJJAR, can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DAVID Y. ENG
PRIMARY EXAMINER